

APPROVED: MEETING NO. 26-85

ATTEST: *Helen M Heneghan*
MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 21-85

April 15, 1985

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, April 15, 1985.

PRESENT

Mayor Viola D. Hovsepian

Councilman Steve Abrams

Councilman Douglas Duncan

Councilman John Tyner, II

ABSENT

Councilman Peter Hartogensis
(attending a conference)

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Clerk Helen Heneghan; City Attorney Paul Glasgow.

Re: City Manager's Report

Mr. Blick reported the following:

1. The meeting with the Lincoln Park Civic Association was well attended and productive. A memorandum has been sent to the City departments in question and a follow up will be done on the issues raised.

2. Don Douglass, Superintendent of Public Works, was injured in a car accident Friday on Rockville Pike at the Wintergreen Shopping Center entrance. He should be released from the hospital tomorrow.

3. The posters submitted in the PCP contest are hanging in the Community Resources Department. Awards will be given at next Monday's Council meeting to the winners.

4. Broome Athletic Field will be opened at the end of the month. Proposals were solicited from organizations interested in operating a concession stand. The Kiwanis Club was chosen to operate it and will pay 7.5% of the profits to the City.

Mayor Hovsepian asked the City Manager if the question of screening at Broome Jr. High has been addressed. The neighborhood feels the trees there are insufficient and the neighbors are concerned with the impact from overflow parking. The City Manager said 80 parking spaces were committed from the County and the County has agreed that its alcohol program can use what is in the back of the building. Notices have been sent to all the team members asking them to abide by the rules.

Re: Proclamation: Fair
Housing Month -
April, 1985

Proclamation No. 4-85

There being no objection from the Council, Mayor Hovsepian proceeded to issue Proclamation No. 4-85 proclaiming the month of April as Fair Housing Month in Rockville. Councilman Abrams read the proclamation at the request of the Mayor in which it was urged that all citizens join in reaffirming the obligation and commitment to fair housing opportunities for all.

Re: Correspondence:

The Mayor and Council noted the following items of correspondence:

1. MML, re Excellence competition
2. MML, re Insurance program
3. Delegate Forehand, re citizen's problem

4. Department of Natural Resources, re sediment control
5. Delegate Gordon, re Rt. 28 construction
6. Congressman Barnes, re Revenue Sharing
7. Mr. & Mrs. Holler, re 803 Joseph Street

Re: Information Items

The Mayor and Council noted the following items of information:

1. Memo re Employment of Senior Citizens
2. Memo re City's Investment in South Africa
3. Citizen complaint

Mayor Hovsepian asked the City Manager to report back when he has finished looking into this.

4. HRC information
5. Memo re Holladay-Tyler Task Force

Councilman Tyner noted he had received a report from the Twinbrook Citizens Association on Holladay-Tyler. The report is quite technical and he has passed it on to staff for their comment. Staff will be attending a meeting on Thursday, at 6:00 p.m. along with Councilman Tyner. He said the thrust of the TCA report is that the monitoring effort must be on a continuing basis.

6. Memo re Work Program for Transportation Planning

Councilman Duncan complimented the staff on the program. The Council agreed that the existing Traffic and Transportation Commission should serve as citizen steering committee during the accomplishment of the study.

Re: Citizen's Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council.

1. Robert Jacques. Mr. Jacques addressed the Council concerning Court-house Square. He said the road through serves no useful purpose, certainly not vehicular and destroys the entire ambience of the downtown. He suggested that since there was no good reason for it, it be closed. The City Manager suggested

that the Council wait until the downtown improvements are complete to see the way the road fits in with the other things being done.

2. Charlotte Joseph, Montrose Civic Association. Mrs. Joseph said Kevin Orski has spoken with the Chamber of Commerce and the Rockville Pike Committee concerning the Rockville Pike Shuttle service but not with the residents. For that reason a meeting has been scheduled for Tuesday, April 30 at Twinbrook Elementary School in order for Mr. Orski to meet with the citizens. It is a public meeting and all are invited.

Mrs. Joseph said the Montrose Civic Association opposes several points in the goal policy that the Council will be reviewing this evening. It is difficult to reconcile the differences. There are people in the area of the Pike who could be seriously affected by changes such as those who are on a fixed income and those who have English as a second language.

3. Diane Wheeler, President of the Twinbrook Swim Club Corporation. Ms. Wheeler addressed the item on the agenda this evening concerning the admission tax for pool guest passes. She asked that tax be discontinued. Montgomery County has exempted non-profit pools from the tax and only the local jurisdictions, such as Rockville have the power to waive the tax. Because of the advantages of the Rockville Municipal Pool there has been a decline in membership and a difficulty in balancing the funds. This tax waiver would help in a small way. Last year Twinbrook Pool paid \$240 to the City. It would seem that the total loss to the City in any one year would be less than a \$1,000 but it would mean a lot to the pool corporations.

4. Ruth Loevinger, 12 Lakeside Overlook. Mrs. Loevinger, a member of the Rockville High School Staff presented tickets to the Mayo. and Council for them to attend the concert of the Rockville Pipe Band which was formerly the Peary High Band. They will be playing at the 17th Annual National Capital Scottish Festival on May 4.

5. James Vitol, West End Citizens Association. Mr. Vitol thanked the Mayor and Council for their help and the help of the City staff in assisting the West End with their driveway paving project that began a couple of years ago. It is a project that truly benefitted the homeowners.

6. Dennis Cain, 502 Carr Avenue. Mr. Cain inquired as to the composition of the group that recommended the Rockville Pike Planning Schedule that the Mayor and Council will be reviewing this evening. He asked why there are not more citizens on the Committee. Councilman Duncan asked the City Manager if there was an effort to get other citizen representation. The City Manager said the emphasis would be more on public forums at the Mansion in order to invite participation, however, the Mayor and Council can add names to the Planning Group. Tonight, the item on the Agenda is asking the Mayor and Council to set a date for this public forum. Councilman Duncan said he would like to see a memo from the staff outlining the efforts to attract participants to the committee from west of I-270 and from east Rockville. Mayor Hovsepian agreed and asked Woodley Gardens be included. Councilman Tyner commented that if the committee becomes too large it is unwieldy. Persons can have equal access to the workings by their comments. Councilman Abrams said there seems to be questions from the Council on the composition of the Pike Advisory Committee and the Planning Commission's efforts in making the appointments. Perhaps the Council should consider the possibility of taking the appointment process back from the Planning Commission and the Mayor and Council doing the appointments. In that way the Council may be more satisfied with the results. Councilman Duncan said he was not sure that action was necessary. He is simply asking to see what efforts had been made.

7. Steve Fisher, Rockville Civic Federation. Mr. Fisher said his Federation has not been contacted for membership on the Steering Committee and it

would seem that a broader representation would be useful for balance in the final decisions. Councilman Abrams said the committee would be better served if the Mayor and Council do the appointing and probably should do it directly. It could possibly be reconstituted and made advisory to the Mayor and Council. Councilman Tyner disagreed and suggested that it be left as it is. Councilman Duncan said he would bring it up under new business for further discussion.

8. Leah Barnett, Rockville Planning Commission. Mrs. Barnett asked the Mayor and Council to discuss the Pike Advisory Committee earlier in the evening since if they wait for New Business the audience will be smaller since most people have gone home.

9. Charlotte Joseph. Mrs. Joseph said whatever the composition, residents need a continuing update on what is going on. There is no information at the present time on the Committee and people should be kept informed of the Plans whether they are on the committee or not.

There being no other citizen wishing to address the Mayor and Council, the Mayor closed the citizen's forum portion of the meeting.

Re: Rockville Pike
Corridor Plan A)
Approval of planning
process and schedule
B) Set date for
public forum on
formulation of goals
and policies

Councilman Abrams moved to amend the agenda and put in a new "A" called "Composition of the Pike Advisory Committee." The Council agreed to this.

It was necessary for the Council to defer consideration on this item until additional materials were distributed.

April 15, 1985

Re: Discussion of
exempting private
swimming pool
corporations from
admission and
amusement taxes for
guest passes.

Officials of Twinbrook Swimming Pool have requested an exemption from the admissions and amusement tax that is levied on 10% of the gross receipts from the sales of guest passes. The City Attorney advised that an exemption given to Twinbrook would have to be given to all swimming pools subject to this tax in the City.

While the loss of revenue to the City for this specific exemption would not be sizable, neither do the amounts paid by individual pools represent significant sums or burdens to them. Of more concern are the potential administrative and revenue problems that can develop when exemptions are granted. An exemption for one group can lead to requests for exemptions by others. As a result, the City can end up with potentially significant revenue losses and, as importantly, the attendant administrative difficulties in certifying who is exempt for what purpose or what particular tax.

Staff recommends against exempting pools from the admissions and amusement tax, primarily on the basis that exemptions to tax laws should be avoided. As a practical matter, it seems that the pools could accommodate the tax by adjusting the guest pass price that is charged.

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all present, the City Attorney was instructed to prepare the necessary legal documentation to exempt pools from the admission and amusements tax.

Re: Adoption of
Ordinance: To amend
the zoning map by
adding 5.25 acres in
the I-3 zone, X-95-
84, Mayor and
Council, Applicant

Ordinance No. 14-85

On motion of Councilman Abrams, duly seconded and passed by unanimous vote of all present, Ordinance No. 14-85, the full text of which can be found in Ordinance Book No. 12 of the Mayor and Council, by amending the zoning map by adding 5.25 acres in the I-3 zone was adopted by the Mayor and Council.

Re: Approval of Policies
for Rockville Youth
Employment Program
for 1985

The City Manager told the Mayor and Council that since the summer of 1980, the Department of Community Resources has been operating a Youth Employment Program that provides a positive work experience, provides jobs for idle youth and provides an opportunity for youth to learn about the operation of their government. Mayor and Council policy has been paying only 2/3 of the minimum wage. However, a recent Supreme Court decision now requires all local governments to pay the minimum wage of \$3.35 an hour. This increase in rates causes a reexamination of the program. Since there is only \$50,000 budgeted a decision has to be made as to whether have fewer young people or fewer hours. The following two modifications to the priorities of the program are recommended due to the higher pay scale:

1. Give a higher priority to youth ages 16 to 17 who can use power tools and generally do more types of work. This will help the City get more productivity from the youths and provide the youths with a more marketable work experience.
2. Give a priority to children of low income families and troubled youth, as identified by the Youth Services supervisory and other staff members. This could be achieved by allocating a certain number of jobs to applicants meeting this criteria.

On motion of Councilman Tyner, duly seconded and passed, the Mayor and Council approved the staff recommendations.

Councilman Abrams asked that a letter be sent to Senator Sarbanes and Mathias and Congressman Barnes in favor of reinstating the subminimal wage for youth. Councilman Tyner said although he agrees with Councilman Abrams he would like to see the legislation that is being proposed before the City supports it. The Mayor and Council asked for information back from the staff on listing just what jobs should be in the subminium class prior to their support of the legislation.

Re: Rockville Pike
Corridor Plan

A) Composition of Pike Advisory Committee

Councilman Abrams said once the Neighborhood Advisory Planning Advisory Group is expanded beyond the neighborhood it is no longer a neighborhood planning group. Councilman Tyner suggested that the process be left as it is. Councilman Duncan said he agreed with Councilman Tyner. The Planning Commission should be the ones doing the appointing. He would like to see how the process works. Councilman Abrams asked if he could see a memo from the Planning Commission, not the Planning Director, explaining how the people were chosen. He asked if there is anything precluding the Mayor and Council from having an ad hoc advisory group or possibly that should be done when the recommendations come back. Mayor Hovsepian said that when the Mayor and Council made their suggestion as to the composition of the group, all the Planning Commission members were not present and it is possible that they did not realize the Council's wishes in the make up of the group.

B. Approval of the Planning Process and schedule

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, the Planning Process for Rockville Pike and schedule was approved as follows:

Master Plan Work Schedule and Products

Target Dates

- | | |
|------------------|---|
| | A. Background Report: |
| | 1. Land Use and Zoning |
| | 2. Traffic Conditions |
| | 3. Community Facilities |
| | 4. Employment |
| | 5. Market Conditions |
| | 6. Demographics |
| | B. Development Policies and Implementation Strategies - Mayor & Council |
| | C. Concept Plan Options |
| Midsummer | D. Planning Commission and Mayor & Council adopt by resolution |
| Midfall | E. Urban Design Plan |
| | F. Implementation Strategy |
| January 10, 1986 | G. Public Hearing on Plan and Implementation Strategies |
| April 10, 1986 | H. Plan and Zoning Adoption |

The exact timing of the completion of the plan or elements pertaining to it will be determined by the requirements for review and input by citizens groups, the business community, the Planning Commission, and the Mayor and Council.

C. Set date for public forum on formulation of goals and policies

The Council agreed that May 29, at 7:30 would be the best time for the public forum. Councilman Tyner suggested that the staff tentatively reserve May 30 for a continuation if it is necessary. The letters will be sent out and signed by the Planning Chairman. Mayor Hovsepien asked that during the process the staff have available examples of how and where residential development can

take place on the Pike and also what kind of retail would replace Congressional Plaza if it had to be replaced.

On motion of Councilman Tyner, duly seconded and passed by unanimous vote of all present, the date and Plan were approved.

Re: Approval of Policies
for the Use of
Courthouse Square
Park

The policy and procedures for Courthouse Square permits remain the same with the exception of the following additions and changes.

Section III.I. has been added to specifically state the park's current electrical capacity. User groups need this information to adequately plan their events, especially since the capacity of the park is so limited.

Section III.J. has been changed so that the requirement to maintain vehicle access extends only during normal business hours on Monday through Friday, and allows for traffic control during the evenings and on Saturday and Sunday. Last year vehicle access was required every week day as well as Saturday. This change will allow for greater pedestrian use of the park and is more in line with how the city currently uses the park.

Procedures for approving an application to use the park have been changed to allow the Park Coordinator to send the application to the Police department and to the Licenses and Inspections Department for review and comment, but will not require the Park Coordinator to necessarily convene a meeting of representatives from those departments. This method will simplify the approval process while still allowing the appropriate departments to identify any concerns.

Last year only Mothers Against Drunk Driving (M.A.D.D.) used the park (on two occasions). While not an overwhelming test of the policy it does appear that the guidelines are sound. The Recreation and Park Advisory Board, the

Police Department and the Licenses and Inspections Department have reviewed and approved the changes.

On motion of Councilman Duncan, duly seconded and passed by unanimous vote of all present, the amendments to the policy were approved.

Re: Approval of letter to
Board of Education on
comparison of
Rockville schools
with other Montgomery
County schools

Mr. Charles Haughey, Chairman of the Education Commission, addressed the Mayor and Council concerning the letter and suggested that the letter be divided into two parts - a main body and an appendix.

On motion of Councilman Abrams, duly seconded and passed by unanimous vote of all present, the letter with an appendix was approved.

The Mayor and Council noted that a meeting will be planned by the entire Mayor and Council and School Board and Education Commission in the future. In the meantime, if the Mayor has an opportunity to sit down and meet with Dr. Shoenberg, it will be a good idea.

Re: Presentation of
Capital Improvements
Program 1986-1991

The City Manager presented the Capitals Improvements Program for 1986 to 1991 to the Mayor and Council and highlighted the projects with a slide presentation. The proposed six-year program for FY 86 to FY 91 is \$36 million and consists of 58 projects and \$3.8 million is being funded by the general fund. The total outstanding General Fund Debt will decline from \$23.6 million in FY 86 to \$16.7 million in FY 1991. Annual debt service requirements will rise from \$2.5 million in FY 1986 to \$3.1 million in FY 1987 and remain relatively stable through FY 1991. As the major projects the City has undertaken or will shortly begin are completed in the mid to late 1980s, both the

City's outstanding debt and general debt service payments will decline in the 1990s. Needs and desires can easily outstrip bonding capacity if the City wishes to retain a good bond rating and sound financial condition. The addition of "nice to have" projects to the capital improvements program will most certainly require postponement of highway projects that will be needed by 1990.

The public hearings will be held May 20 and May 21 along with the hearings on the Proposed Operating Budget.

Re: Work Session - Code
Enforcement

Bob Groff, Superintendent of Licenses and Inspection, Bob Brown, Assistant Superintendent of Licenses and Inspection and Bill Dukes, Housing Inspector briefed the Mayor and Council on Code Enforcement activities, a flow chart illustrating the paths of a violation, the scope of code enforcement, CDBG activities, CDBG evaluation, complaint activity, complaint disposition and complaint types in 84 and 85. Councilman Duncan noted that the County Council has a bill on the parking of unlicensed vehicles and he asked that the staff address this and come back with a recommendation. At the same time, the Mayor and Council asked the staff to prepare an ordinance that could address the problem of unsightly properties with the City cleaning them up and then charging the owners in the form of a tax lien.

The Mayor and Council thanked the staff for coming before the Council this evening with information on Code enforcement.

Re: New Business

1. Councilman Abrams congratulated Mayor Hovsepian on her efforts since a D.C. Councilmember has now urged that the Bill to raise the drinking age in D.C. will be placed on the COG agenda.

Re: Executive Session

There being no further business to come before the Council in general session, the meeting was closed for executive session for consultation with legal counsel.

Re: Adjournment

There being no further business to come before the Council in executive session, the meeting was adjourned at 10:45 p.m. to convene again in executive session in the City Manager's Conference Room on Monday, April 22, 1985, at 7:15 p.m. or at the call of the Mayor.